

Message Text

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TO SECSTATE WASHDC IMMEDIATE 613

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E.O. 11652: N/A

TAGS: UN, ECOSOC

SUBJ: 55TH ECOSOC: ITEM 9 (C): AMBASSADOR FERGUSON'S

STATEMENT ON WEST ASIAN REGIONAL ECONOMIC COMMISSION

QUOTE

IT IS WITH CONSIDERABLE RELUCTANCE AND TRIPIDATION THAT WE
INTERVENE IN THIS DEBATE AT THIS POINT. MY GOVT DEEPLY
REGRETS THAT THE SPONSOR OF THE DRAFT RES BEFORE US
HAS REJECTED OUT OF HAND THE PLEAS OF SEVERAL DELEGATIONS
THAT CONSIDERATION OF THIS ITEM BE POSTPONED.

IN ADDRESSING MYSELF TO THIS QUESTION OF THE ESTABLISHMENT
OF A WEST ASIA REGIONAL COMMISSION, I HAVE TO REFLECT ON HOW
FAR WE HAVE COME FROM THE SENTIMENTS THAT WERE EXPRESSED WHEN
THIS SESSION OPENED. I RECALLED THE PRESIDENT OF THE COUNCIL
CALLING FOR ACTION BY CONSENSUS. I RECALL AMBASSADOR SCALI'S
CALL FOR A "DIALOGUE".-YET,-THERE IS NOT A SCINTILA OF
CONSENSUS ON THE QUESTION OF THE ESTABLISHMENT OF A WEST ASIAN
COMMISSION. WE DO NOT HAVE A DIALOGUE. RATHER WE HAVE
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MONOLOGUES WHICH SERVE ONLY TO DIVIDE US AND EVENTUATE

INCREASED BITTERNESS. OUR PERMANENT REPRESENTATIVE, AMBASSADOR SCALL, TALKED TO THE PROBLEMS OF "MOBILIZING PUBLIC OPINION" AND THE DOUBTS MANY HAVE CONCERNING THE EFFECTIVENESS OF UN ACTIVITIES. CAN WHAT WE ARE ENGAGED IN HERE TODAY BE SEEN IN ANY WAY AS HELPING TO ALLEVIATE THOSE DOUBTS?

IN OUR OPENING SPEECH TO THIS COUNCIL WE WARNED OF THE DANGER, NOW THAT EAST-WEST CONFRONTATION IS DIMINISHING, OF REPLACING THIS CONFRONTATION WITH NORTH-SOUTH OR ARAB-ISRAELI SPLITS. WE SPOKE OF THIS AS BEING AN HISTORIC MOMENT-THE CHANCE WHICH THE EASING OF INTERNATIONAL TENSIONS OFFERS THIS ORGANIZATION TO ACHIEVE THE PURPOSES FOR WHICH IT WAS CREATED. WILL THAT MOMENT NOW ESCAPE IN THE ACRIMONY OF DIVISIVE DEBATE?

WE CAN ONLY DEEPLY REGRET THE RIGIDITY OF THE PROPONENTS OF THIS RES-THEIR INTRANSIGENCE IN ATTEMPTING TO WORK THEIR WILL ON THIS COUNCIL WITHOUT REGARD TO THE IMPACT SUCH ACTION WILL HAVE ON MANY OF THE MEMBERS WHOSE SUPPORT IS SINE QUA NON FOR THE CONTINUED SUCCESS OF THIS COUNCIL AND SO MANY OF THE ADJUNCT UN ORGANIZATIONS THAT DEPEND ON IT FOR GUIDANCE AND SUPPORT. PERHAPS WE ALL COULD REFLECT HERE WHAT SUCH AN UNYIELDING POSITION ON THE PART OF THE ARAB LEAGUE, AS NOTED BY MY COLLEAGUE FROM EGYPT COULD HAVE ON THE WHOLE UN SYSTEM. WHAT PRICE-WHAT COST FOR A PARLIAMENTARY VICTORY? I CAN SEE IT AS LITTLE MORE THAN A PYRRHIC VICTORY IN A PROCESSION OF POLITICAL MANEUVERINGS OVER A LONG STANDING AND ACRIMONIOUS POLITICAL DISPUTE. NONE OF THE STATES DIRECTLY INVOLVED WILL SUFFER IRREPARABLY. UNESOB DOES NOT VANISH IF THIS ITEM IS POSTPONED. ITS SERVICES DON'T DIMINISH-IN FACT WE HAVE HEARD FROM OUR COLLEAGUE FROM THE NETHERLANDS AN INTERESTING PROPOSAL TO EVEN STRENGTHEN ITS SERVICE IN THE INTERIM UNTIL SOME KIND OF ACCOMMODATION CAN BE REACHED BETWEEN THE DIFFERENT VIEWS EXPRESSED HERE. I COMMEND THIS POSSIBILITY TO THIS COMMITTEE.

LET US EXAMINE THE BASIC DOCUMENT OF THIS ORGANIZATION. THE CHARTER. THE VERY FIRST ARTICLE OF THIS DOCUMENT, PARAGRAPH THREE REQUIRED THAT THE UNITED NATIONS TAKE NO ACTION-I REPEAT NO ACTION-IN FACT OR EVEN IN PRINCIPLE BASED FULLY OR EVEN IN PART UPON CONSIDERATIONS OF RACE, UNCLASSIFIED

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LANGUAGE OR RELIGION. WHAT WE HAVE BEFORE US HERE IS A PROPOSED ORGAN OF THE UN PATENTLY BASED ON AN ETHNIC GROUPING. THE VERY NEXT ARTICLE OF THE CHARTER, ART. 2, PARA 1 ASSURES THE EQUAL RIGHTS OF SOVEREIGN STATES-CERTAINLY WE HAVE HEARD THIS PHRASE MENTIONED ENOUGH TIMES IN THIS FORUM TO BE FULLY AWARE OF ITS SIGNIFICANCE. A UN ORGAN BASED ON AN ETHNIC CLASSIFICATION, WHICH ON THE BASIS OF THAT CLASSIFICATION

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MR. CHAIRMAN, ONE OF THE FIRST SPECIFICATIONS OF OBLIGATIONS OF MEMBER STATES IN THE UNITED NATIONS IS CONTAINED WITHIN GENERAL ASSEMBLY RES 290 (IV) OF 1 DECEMBER 1949. PARA 9 OF THAT RESOLUTION REQUIRED THAT ALL MEMBER STATES "PARTICIPATE FULLY IN THE WORK OF THE UNITED NATIONS." PARAGRAPH 7 OF THAT SAME RES REQUIRES THAT THE MEMBER STATES "PROMOTE THROUGH INTERNATIONAL COOPERATION, EFFORTS TO ACHIEVE AND SUSTAIN HIGHER STANDARDS OF LIVING FOR ALL PEOPLES". ACCORDING TO THE DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND COOPERATION AMONG STATES, UNANIMOUSLY ADOPTED BY THE 25TH SESSION OF THE GENERAL ASSEMBLY AFTER YEARS OF CONSIDERATION, AND TREATED BY THE BULK OF UN MEMBERSHIP AS DECLARATORY OF INTERNATIONAL LAW: "ALL STATES ENJOY SOVEREIGN EQUALITY. THEY HAVE EQUAL RIGHTS AND DUTIES AND ARE EQUAL MEMBERS OF THE INTERNATIONAL COMMUNITY, NOTWITHSTANDING DIFFERENCES OF AN ECONOMIC, SOCIAL, POLITICAL OR OTHER NATURE." MOREOVER, "IN PARTICULAR, SOVEREIGN EQUALITY INCLUDES THE FOLLOWING ELEMENTS: (A) STATES ARE JURIDICALLY EQUAL, (B) EACH STATE ENJOYS THE RIGHTS INHERENT IN FULL SOVEREIGNTY". ARBITRARY EXCLUSION OF A STATE MEMBER OF THE UNITED NATIONS FROM A REGIONAL COMMISSION OF A GEOGRAPHICAL REGION
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IN WHICH IT IS SITUATED HARDLY COMPORTS WITH THIS AUTHORITATIVE

RESTATEMENT OF THE MEANING OF THE CHARTER PRINCIPLE OF SOVEREIGN EQUALITY. DESPITE THE CLEAR COMMAND CONTAINED WITHIN THE CHARTER, DESPITE THE CLEAR CALL TO DUTY CONTAINED INGA RES, WE HAVE BEFORE US A PROPOSAL BY MEMBER STATES OF THE UNITED NATIONS THAT ANOTHER MEMBER STATE --CANNOT TAKE ACTION IN A REGIONAL ECONOMIC COMMISSION IN ITS REGION TO PROMOTE SOLUTIONS TO ECONOMIC PROBLEMS --CANNOT THROUGH INTERNATIONAL COOPERATION IN THE REGION PROMOTE EFFORTS TO ACHIEVE AND SUSTAIN HIGHER STANDARDS OF LIVING FOR ALL PEOPLE.

BY THE EXCLUSION OF A MEMBER STATE FROM A REGIONAL ECONOMIC COMMISSION, OR PERHAPS MORE APPROPRIATELY, BY THE BANDING TOGETHER OF HOSTILE STATES UNDER THE UN BANNER, CAN WE RELLY SAY THAT WE ARE FOSTERING SOLUTIONS TO PROBLEMS OF THE REGION? CAN SUCH EXCLUSION POSSIBLY LEAD TO THE PROMOTION THROUGH INTERNATIONAL COOPERATION, EFFORTS TO ACHIEVE AND SUSTAIN HIGHER STANDARDS OF LIVING FOR ALL PEOPLES.?

REFERENCE HAS BEEN MADE TO ACTIONS OF THE COUNCIL REGARDING THE MEMBERSHIP OF PORTUGAL IN THE ECONOMIC COMMISSIONS FOR AFRICA. COUNCIL RES 974 DIII (XXXVI) TOOK NOTE OF THE FACT THAT NON-AFRICAN MEMBERS OF THE ECONOMIC COMMISSION FOR AFRICA WITH THE EXCEPTION OF PORTUGAL HAD ACCEPTED THE STATUS OF ASSOCIATE MEMBERSHIP. THE COUNCIL DECIDED INTER ALIA TO EXPEL PORTUGAL FROM MEMBERSHIP IN THE ECA. WE SUGGEST THIS CASE IS DISTINGUISHABLE INASMUCH AS PORTUGAL DESPITE ITS CLAIM OTHERWISE WAS AND IS NOT A MEMBER STATE IN THE REGION AFRICA. MOREOVER, EXPULSION RAISES QUITE DIFFERENT LEGAL CONSIDERATIONS FROM THE MATTER BEFORE US.

THE CASE OF SOUTH AFRICA IS EVEN MORE INSTRUCTIVE INASMUCH AS SOUTH AFRICA IS A MEMBER STATE IN AFRICA. IT IS SIGNIFICANT TO NOTE THAT THE ECONOMIC AND SOCIAL COUNCIL DID NOT EXPEL SOUTH AFRICA FROM MEMBERSHIP BUT RATHER DECIDED "THAT THE REPUBLIC OF SOUTH AFRICA SHALL NOT TAKE PART IN THE WORK OF THE ECONOMIC COMMISSIONS FOR AFRICA UNTIL THE COUNCIL, ON THE RECOMMENDATION OF THE ECONOMIC COMMISSION FOR AFRICA, SHALL FIND THAT CONDITIONS FOR CONSTRUCTIVE COOPERATION HAVE BEEN RESOLVED BY A CHANGE IN ITS RACIAL POLICY". THIS ACTION

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AMOUNTING TO A SUSPENSION IS OF COURSE QUITE DIFFERENT IN CHARACTER THAN THAT OF INITIALLY BARRING MEMBERSHIP TO A MEMBER STATE IN THE REGION. IF INDEED AT THE CREATION OF ECA A FORMULA HAD BEEN EMPLOYED WHICH WOULD HAVE BARRED SOUTH AFRICA FROM MEMBERSHIP WE WOULD THEN HAVE A CASE ANALOGOUS TO THE SITUATION BEFORE US NOW. WE SUGGEST THAT CONSIDERING BOTH THE SOUTH AFRICAN AND PORTUGUESE CASES IT IS APPARENT THAT THE COUNCIL'S ACTIONS ARE NOT PRECEDENT FOR THE ACTION PROPOSED TO BE TAKEN BY THE SPONSORS OF THE RES

BEFORE US.

THE CASE OF THE DEMOCRATIC REPUBLIC OF GERMANY IS COMPLETELY DISTINGUISHABLE. IT WAS NOT A MEMBER STATE OF THE UNITED NATIONS AT THE TIME IT WAS EXCLUDED FROM THE ECONOMIC COMMISSIONS FOR EUROPE. THE MATTER BEFORE US RAISES DISCRIMINATORY ACTION AGAINST A MEMBER STATE IN THE CREATION OF A REGIONAL ECONOMIC COMMISSION.

IT WOULD DO WELL TO RECALL THE WORDS OF THE REPRESENTATIVE OF BRAZIL IN THIS COUNCIL'S 34TH MEETING CONSIDERING THE QUESTION OF EXPULSION OF SOUTH AFRICA FROM ECA: EXPULSION IS A GRAVE STEP AND THE CHARTER (ART. 6) PRESCRIBED A SPECIAL PROCEDURE WHICH SHOULD NOT BE BYPASSED BY MEANS OF A SIMPLE RES OF THE ECONOMIC AND SOCIAL COUNCIL. WE WOULD ADD THAT NEITHER CAN THIS COUNCIL BYPASS PROVISIONS OF THE CHARTER RELATING TO RIGHTS AND DUTIES OF MEMBER STATES BY MEANS OF A SIMPLE RES HAVING THE EFFECT OF EXCLUDING THAT MEMBER STATE FROM PARTICIPATING IN THE WORK OF A REGIONAL ECONOMIC COMMISSION WITHIN THE REGION.

SECONDLY, MR. CHAIRMAN, THE PRIOR PRACTICE OF THIS COUNCIL IN ESTABLISHING REGIONAL ECONOMIC COMMISSIONS DEMONSTRATES THE ILLEGALITY OF THE WEST ASIAN REGIONAL ECONOMIC COMMISSION AS PROPOSED IN THE RES BEFORE US.

THE ORGANIC RESOLUTION ESTABLISHING THE REGIONAL COMMISSION FOR EUROPE-THE VERY FIRST-AND HERE I REFER TO RES
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WITH THIS AS A PRECEDENT WHERE DO WE GO FROM HERE? WHY NOT REGIONAL COMMISSIONS BASED ON TRIBAL ALLEGIANCES-IS THAT SO IMPOSSIBLE TO CONCEIVE OF? OR MAYBE MORE REALISTICALLY- WHY NOT UN REGIONAL COMMISSIONS BASED ON PHILOSOPHIES OF GOVT?--WHY NOT ON RELATIVE ECONOMIC POWER? WHERE IN ALL THIS DO WE FIND THE EXPRESSION FOR THE "UNITY OF ACTION", WHERE IS THE CALL FOR CONSENSUS WE HEARD?

THE DRAFT RES THAT WE NOW DEBATE IS UNLIKE ANY PREVIOUS RES IN THE HISTORY OF THE UN PERTAINING TO CREATION OF A REGIONAL COMMISSION.

IF IT WERE THE SAME AS THE PREVIOUS FOUR RES CREATING REGIONAL ECONOMIC COMMISSIONS THERE WOULD BE COMPLETE UNANIMITY AND HARMONY IN THIS CHAMBER PURSUANT TO THE TRUE UNIVERSALITY SPIRIT OF THE UNITED NATIONS CHARTER.

BUT THAT IS NOT THE CASE IN THE INSTANT AS WE ARE CALLED UPON TO DEVOUR OUR YOUNG IN AN ANIMALISTIC FASHION. WE ARE CALLED UPON TO SINGLE OUT A SOVEREIGN MEMBER STATE
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FOR WHOM THE UN LABOURED LONG TO GIVE BIRTH AND TOWARD WHOM WE NOW TAKE ACTION OF A PREJUDICIAL AND DISCRIMINATORY NATURE THAT WILL IN FACT MAKE HER AN INFERIOR SOVEREIGN STATE MEMBER OF THE UN FAMILY WITH ONLY PARTIAL RIGHTS AND PRIVILEGES.

TWO VITAL AND UNLAWFUL CHANGES ARE CONTAINED IN THIS DRAFT RES VIS-A-VIS THOSE CREATING ECE, ECAFE, ECLA AND ECA.

1. FOR THE FIRST TIME A REGIONAL MEMBER STATE IS OMITTED AS A CHARTER MEMBER OF THE COMMISSION.
2. AND FOR THE FIRST TIME THE PROCEDURE HAS BEEN ALTERED FOR FUTURE MEMBERSHIP IN THE COMMISSION BY ATTEMPTING TO GIVE THE COMMISSION VETO AUTHORITY.

BY THE DRAFT RES NOT EVEN ECOSOC CAN ADMIT A MEMBER STATE TO THE COMMISSION WITHOUT PERMISSION OF THE COMMISSION. THE ILLEGAL ASPECTS OF SUCH DELEGATION OF UNLAWFUL AUTHORITY IS SIMPLISTIC.

AMBASSADOR GHORRA SO CANDIDLY STATED AS HE INTRODUCED THE RES, "LET'S BE REALISTIC" SUGGESTING THAT LET'S FORGET THE FACTS, THE LAW, THE UN CHARTER, THE AUTHORITY AND SPIRIT FOR OUR VERY EXISTANCE AND GET ON WITH THE LYNCHING.

I COMMEND HIM FOR AT LEAST HIS STRAIGHT FORWARDNESS IN NOT TRYING TO CAMOUFLAGE THE MOTIVES OF THIS ACTION WHEN HE OPENED THE DOOR FOR MEMBERSHIP TO TURKEY, IRAN AND CYPRUS AND SLAMMED IN ON THE OTHER REGIONAL MEMBER STATE.

MR. CHAIRMAN, I CAN NOT OR WILL NOT ATTEMPT TO JUSTIFY OUR PASSING THIS DRAFT RES IN ITS PRESENT FORM, TO MY GOVT, MY CONGRESS, MY FELLOW AMERICANS OR MY CREATOR AS THE APPROPRIATE VEHICLE TO ACHIEVE THE ASPIRATION AND GOALS OF THE UN'S SECOND DEVELOPMENT DECADE, FOR ALL MEMBER STATES OF THE UN-BUT SAVE ONE.

FINALLY AN ECONOMIC COMMISSION CONSTITUTED AS CONTEMPLATED BY THE RES BEFORE US VIOLATES ANOTHER FUNDAMENTAL PRINCIPLE.

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AS WE HAVE JUST DEMONSTRATED THE PRACTICE OF ECOSOC IN ALL THE PREVIOUS INSTANCES HAS BEEN CONSISTENT IN PARTICULAR IN EVERY SINGLE PREVIOUS INSTANCE THE MEMBERSHIP OF THE REGIONAL ECONOMIC COMMISSION HAS BEEN DETERMINED BY THE PURPOSES FOR WHICH THAT COMMISSION WAS ESTABLISHED. THIS FOR EXAMPLE IS CLEARLY DEMONSTRATED IN THOSE INSTANCES WHERE INVITATIONS HAVE BEEN EXTENDED TO MEMBERS OUTSIDE OF THE REGION. FROM THIS IT IS APPARENT THAT THE MEMBERSHIP OF AN ECONOMIC COMMISSION MUST BE REASONABLY RELATED TO THE FUNCTIONS THAT COMMISSION IS TO PERFORM. HERE THEN MR. CHAIRMAN, IF IN FACT THE PURPOSE OF THIS COMMISSION IS TO PROMOTE THE ECONOMIC DEVELOPMENT OF WEST ASIA AT THE VERY LEAST ALL THOSE MEMBERS IN WEST ASIA HAVE AN INTEREST IN THE FUNCTION AND PROGRAM OF THE COMMISSION. ON THE OTHER HAND IF IN FACT THE PURPOSE OF THE PROPOSED COMMISSION IS SOMETHING OTHERN THAN THE PROMOTION OF THE ECONOMIC WELLBEING OF THE REGION I WOULD SUGGEST THAT THAT PURPOSE BE REVEALED TO US. I WOULD PREFER TO BELIEVE THAT REGIONAL ECONOMIC COMMISSIONS ESTABLISHED BY ECOSOC ARE DESIGNED TO DEAL WITH THE ECONOMIC PROBLEMS PECULIAR TO THE REGION. IF THAT BE SO THE MEMBERSHIP MUST BE OPEN TO THE MEMBER STATES OF THE REGION. PRIOR PRACTICE AND PRECEDENT CLEARLY REVEALS THAT THE SOLE CRITERIA FOR MEMBERSHIP IN A REGIONAL ECONOMIC COMMISSION HAS BEEN AND SHOULD BE MEMBER STATE LOCATED WITHIN THE REGION. UNQUOTE.

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